

# In Our View: 'Cash Register Justice'

System for funding courts puts unfair burden on those who can least afford it

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There are many, many items related to government and governing that lend themselves to wishful thinking. To seeing flaws in the system but recognizing that we have gone so far down the rabbit hole that it might be too late to turn around.

Such is the case with funding the court system largely through fines and fees. While this might seem like a too-big-to-broach philosophical question, it was thrown into clarity recently by the Washington Supreme Court. The court, in a 5-4 vote, decided to increase the base cost of a traffic ticket in the state by \$12. Starting July 1, the cost will increase for most infractions, as well as for some boating, camping and public park violations — the first increase since 2007.

The added revenue will be split between a new computer system for district courts and legal services for indigent defendants. Few people are questioning the need for such funds. As Justice Sheryl Gordon McCloud, who voted against the increase, wrote, "A new computer system that can properly track district court cases statewide, and that can provide access to a party's record in other cases including other prior convictions, protection orders, or prohibitions is not a luxury — it is a necessity for public safety."

What is in question is the fairness of a system that disproportionately affects those least able to pay. As McCloud noted, "The majority of those fees comes from penalties imposed when a payment is missed, for whatever reason. In other words, the people who are least able to pay up front, all at once, are the ones who end up paying the most." And, as a recent report from the U.S. Department of Justice found in the wake of a police shooting in Ferguson, Mo., the system of using fines to fund basic court operations results in an inherent unfairness rather than justice.

All of this is pertinent, but what really should be in question is an absurd method for funding the courts. While Washington's system is consistent with common practice throughout the country, its flaws are egregious. Headlines from states in all regions of the nation indicate that many courts are dealing with decreased legislative funding and are being forced to increasingly foist those costs upon those who cannot afford them. The system simply is a result of somebody centuries ago saying, "Hey, let's do it this way," before beginning a trek down the rabbit hole.

Not that solutions are abundant. One alternative would be to have all funding for the courts provided or approved by the Legislature, but that would open the courts to pressure from potentially disgruntled lawmakers and would violate the notion of justice being blind and removed from political wrangling. Courts are not simply a portion of government; they are their own branch. In truth, the fairest way to determine funding levels for the courts would be through an independent citizens panel, but that would create a whole new set of problems and constitutional questions.

All of which leaves us back where we started, with the state Supreme Court determining how much to charge for traffic violations; with legislatures throughout the country further cutting funding; and with, as a headline out of Alabama stated, a situation where "government doesn't fund the courts, courts fund the government."

As Washington Justice Mary Yu wrote in her dissent of the latest increase to fines, this leads to "cash register justice." And that sounds like no justice whatsoever.